

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
COURT FILE NO.: _____**

Shonna Heuer Schroeder,

Plaintiff,

v.

Nelson, Watson & Associates, LLC,

Defendant.

COMPLAINT

JURY TRIAL DEMANDED

JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331, pursuant to 15 U.S.C. § 1692k(d).
2. This action arises out of Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").

PARTIES

3. Plaintiff Shonna Heuer Schroeder (hereinafter "Plaintiff") is a natural person who resides in the City of Minneapolis, State of Minnesota, and is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).
4. Defendant Nelson, Watson & Associates LLC (hereinafter "Defendant") is a collection agency doing business in the state of Minnesota with a registered address of 590 Park Street #6, Capitol Prof. Bldg., St. Paul, Minnesota 55103. Defendant is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

5. Sometime prior to July 19, 2010, Plaintiff incurred a “consumer debt” as that term is defined at 15 U.S.C. § 1692a(5), with Credit One Bank N.A.
6. Plaintiff allegedly defaulted on the personal credit card and it was then sold to LVNV Funding LLC.
7. LVNV Funding LLC in turn hired Defendant to collect the alleged balance from Plaintiff.
8. Defendant began calling Plaintiff starting April 15, 2011 at 2:48 p.m.
9. Defendant's agent Ms. Graylee left a voice message on Plaintiff's cellular telephone wherein she failed to identify herself as a collection agent and failed to provide Plaintiff with the mandated mini-Miranda warning that her communication was an attempt collect a debt and any information obtained would be used for that purpose, in violation of 15 U.S.C. §§ 1692d(6) and 1692e(11).
10. Defendant and its agents continued to call Plaintiff on her cellular telephone wherein they failed to identify themselves as a collection agent and failed to provide Plaintiff with the mandated mini-Miranda warning that her communication was an attempt collect a debt and any information obtained would be used for that purpose, in violation of 15 U.S.C. §§ 1692d(6) and 1692e(11).
11. Specifically, Defendant and its agents contacted Plaintiff on the following dates:

April 15, 2011	2:48 p.m.
April 18, 2011	12:29 p.m.
April 19, 2011	1:25 p.m.

April 20, 2011	12:37 p.m.
April 21, 2011	12:50 p.m.
April 22, 2011	2:45 p.m.
April 25, 2011	12:33 p.m.
April 26, 2011	3:39 p.m.
April 27, 2011	4:49 p.m.
April 28, 2011	9:28 a.m.
May 2, 2011	2:42 p.m.
May 4, 2011	5:35 p.m.
May 5, 2011	9:01 a.m.
May 10, 2011	2:54 p.m.
May 11, 2011	2:38 p.m.
May 18, 2011	2:46 p.m.
June 7, 2011	2:42 p.m.
June 8, 2011	9:31 a.m.

12. Defendant's conduct in harassing Plaintiff has caused her emotional distress and anxiety.

TRIAL BY JURY

13. Plaintiff is entitled to and hereby demands a trial by jury. US Const. amend. 7.
Fed. R. Civ. Pro. 38.

CAUSES OF ACTION

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. §1692 et seq

14. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
15. The foregoing acts and omissions of Defendant constitute numerous and multiple violations of the FDCPA, including but not limited to each and every one of the above-cited provisions of the FDCPA, 15 U.S.C. § 1692 et seq.
16. As a result of Defendant's violations of the FDCPA, Plaintiff is entitled to statutory damages in the amount of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from Defendant.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that relief be granted as follows:

- That judgment be entered against Defendant for statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(A) and (B);
- That the Court award costs and reasonable attorneys' fees, pursuant to 15 U.S.C. § 1692k(a)(3); and
- That the Court grants such other and further relief as may be just and proper.

Respectfully submitted,

Dated this 11th day of August, 2011.

By: s/Trista M. Roy

Trista M. Roy, Esq.

Attorney I.D. #0387737

Thomas J. Lyons, Esq.

Attorney I.D. #: 65699

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VERIFICATION OF COMPLAINT AND CERTIFICATION BY PLAINTIFF

STATE OF MINNESOTA)
) ss
COUNTY OF Hennepin)

Shonna Schroeder, having first been duly sworn and upon oath, deposes and says as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.

s/Shonna Schroeder
Shonna Schroeder

Subscribed and sworn to before me
this 20th day of June, 2011.

s/Jason P. Holthus
Notary Public